

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION

DANIEL ALBERTO VELAZQUEZ-IBARRA,

Petitioner,

VS.

JOE SMITH,

Defendant.

§
§
§
§
§
§
§

CIVIL ACTION NO. 4:14-CV-1109

MEMORANDUM AND ORDER

On April 22, 2014, petitioner, through counsel, filed a petition for a writ of habeas corpus challenging his detention by United States Immigration and Customs Enforcement. On June 30, 2014, respondent filed a motion to dismiss the petition as moot. Petitioner has not responded to the motion.

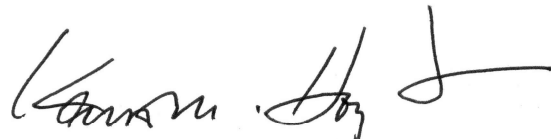
Respondent's motion to dismiss explains that petitioner was removed to Mexico on May 9, 2014, pursuant to a final removal order. See Motion to Dismiss, Exh. 1. He is therefore no longer in custody.

28 U.S.C. § 2241(c) limits this Court's authority to grant habeas corpus relief to persons "in custody." As petitioner is no longer in custody, this Court cannot grant him habeas corpus relief. See *Merlan v. Holder*, 667 F.3d 538, 539 (5th Cir. 2011) ("an alien who has been deported pursuant to a final removal order is not 'in custody' for habeas purposes").

Accordingly, it is ORDERED that respondent's motion to dismiss the petition as moot (Dkt. No. 3) is GRANTED.

It is FURTHER ORDERED that the petition for a writ of habeas corpus (Dkt. No. 1) is DISMISSED AS MOOT.

SIGNED on this 8th day of August, 2014.



Kenneth M. Hoyt
United States District Judge